

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically mailed February 27, 2008. Applicant respectfully requests reconsideration and favorable action in this case. Claims 1-5, 7-10, 12-21, 23-26, 28-37, 39-42, and 44-60 are currently pending. Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

The Office Action rejects Claims 1-5, 12-21, 28-37, and 44-48 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of U.S. Patent No. 5,440,723 issued to Arnold et al. ("*Arnold*"). Applicant respectfully traverses these rejections.

Claim 1 is directed to a method for maintaining computer security. The method includes providing a database of known good software and a database of unfamiliar software. The method further includes, for the identified file, determining whether an entry exists in the database of known good software and determining whether an entry exists in the database of unfamiliar software. The method further includes moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time. Applicant respectfully contends that the proposed *McGee-Arnold* combination fails to disclose, teach, or suggest each and every one of these limitations.

The Office Action admits that *McGee* fails to disclose the limitations "providing a database of unfamiliar software" or "moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time." *Office Action*, pg. 4-5. The Office Action relies on *Arnold* for disclosing these limitations. *Office Action*, pg. 5.

Arnold discloses an immune system for computers. When anomalous behavior is detected, a scanner operates to detect whether it is a known type of undesirable software by comparing valid signatures from a signature database. *Arnold*, col. 28, lines 48-58. If the scanner fails to detect a known type of undesirable software entity, a decoy program unit is then used to isolate the undesirable software entity and identify code portions as candidate signatures. *Arnold*, col. 29, lines 1-17. After the candidate signature is processed, a valid

signature for the previously unknown type of undesirable software is stored within the signature database. *Arnold*, col. 29, lines 18-22.

Therefore, the signature database disclosed by *Arnold* contains valid signatures of known undesirable software. Thus, Applicant respectfully contends that this database fails to disclose “a database of unfamiliar software.” Furthermore, *Arnold* discloses that previously unknown software is processed to generate valid signatures. These valid signatures may be stored, alongside other signatures of undesirable software in the signature database. Thus, Applicant respectfully contends that *Arnold* fails to disclose moving an entry to a “database of known good software.” Finally, *Arnold* fails to disclose “moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time.” For at least these reasons, Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

Claims 2-5 and 12-16 depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Therefore, for at least the reasons discussed above with regard to Claim 1, Applicant respectfully requests that the rejection of Claims 2-5 and 12-16 be withdrawn.

Similar to Claim 1, Claims 17 and 33 includes limitations related to providing a database of unfamiliar software and moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time. For at least those reasons discussed above with regard to Claim 1, Applicant respectfully requests that the rejection of Claims 17 and 33 be withdrawn.

Claims 18-21 and 28-32 depend, either directly or indirectly, from Claim 17 and incorporate all the limitations thereof. Claims 34-37 and 44-48 depend, either directly or indirectly from Claim 33 and incorporate all the limitations thereof. Therefore, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claims 18-21, 28-32, 34-37, and 44-48 be withdrawn.

The Office Action rejects Claims 7, 23, and 39 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Arnold* and further in view of *Liu*. The Office Action rejects Claims 10, 26, and 42 under 35 U.S.C. §103(a) as being unpatentable over *McGee* and of *Arnold* in view of *Liu* and further in view of *Verma*. The Office Action rejects Claims 8-9,

24-25, 40-41, 49, 51, and 54 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Arnold* in further view of *Verma*. The Office Action rejects Claims 50, 52, and 55 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Arnold* and *Verma* in view of *Christenson*.

Claims 7-10 and 49-50 each depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Claims 23-26, 29, and 51-52 each depend, either directly or indirectly, from Claim 17 and incorporate all the limitations thereof. Claims 39-42 and 54-55 each depend, either directly or indirectly, from Claim 33 and incorporate all the limitations thereof. As shown above, the proposed *McGee-Arnold* combination fails to disclose, teach, or suggest each and every limitation of Claims 1, 17, and 33. Neither *Liu*, *Verma*, nor *Christenson* cure these deficiencies. Therefore, Applicant respectfully contends that the rejections of Claims 7-10, 23-26, 29, 39-42, 49-52, and 54-55 be withdrawn, for at least the same reasons as their respective base claims.

The Office Action rejects Claim 56 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Verma*. Applicant respectfully traverses this rejection.

Claim 56 is directed to a method for computer security. The method includes identifying a file. The method also includes determining quantitative information regarding the file, the quantitative information selected from the group consisting of a length of time the entry has been in the database of unfamiliar software, a number of times the file has been opened, and a number of times an executable in the file has been executed. The method further includes adding an entry for the file to a database of known good software if the quantitative information exceeds a predetermined value. Applicant respectfully contends that the proposed *McGee-Verma* combination fails to disclose, teach, or suggest each and every one of these limitations.

McGee discloses a system and method for controlling program execution. *McGee*, col. 3, lines 64-65. When a program is designated for execution, a hash value generator is used to generate a hash of the program and compare “the generated hash value with the stored hash values on the approved hash list.” *McGee*, col. 11, lines 40-46 (emphasis added). Applicant respectfully contends that this “approved hash list” is not a database of unfamiliar software. In fact, the Office Action even admits that *McGee* fails to disclose “providing a database of unfamiliar software.” *Office Action*, pg. 4. Therefore, Applicant respectfully

contends that *McGee* fails to disclose, teach, or suggest determining whether an entry for a file exists in a database of unfamiliar software.

Furthermore, Applicant respectfully contends that *McGee* fails to disclose, teach, or suggest “adding an entry for the file to a database of known good software if the quantitative information exceeds a predetermined value.” As described above, *McGee* discloses comparing a hash value generated for a program with a list of stored hash values on an approved list. If a match is found, the program is allowed to execute. *McGee*, col. 11, lines 46-49. However, if there is no match, the system prevents the executable file data from executing. *McGee*, col. 11, lines 54-57. This does not disclose, teach, or suggest quantitative information or a predetermined value. Furthermore, it fails to disclose, teach, or suggest adding an entry to a database of known good software if the quantitative information exceeds a predetermined value. *Verma* fails to cure these deficiencies. For at least these reasons, Applicant respectfully requests that the rejection of Claim 56 be withdrawn.

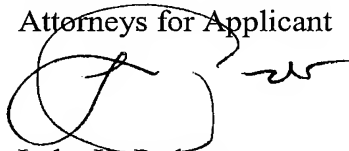
The Office Action rejects Claims 57-60 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Verma* in further view of *Arnold*. Claims 57-60 depend, either directly or indirectly from Claim 56 and incorporate all the limitations thereof. As shown above, the proposed *McGee-Verma* combination fails to disclose, teach, or suggest each and every element of Claim 56. *Arnold* fails to cure this deficiency. Therefore, for at least the reasons discussed above, Applicant respectfully contends that the rejections of Claims 57-60 be withdrawn.

Conclusion

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although Applicant believes no fee is due, the Commissioner is hereby authorized to charge any required fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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